

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE MAY 5, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 759

Introduced by Senators Anderson and Hancock
(Coauthors: Senators Leno, Liu, and Mitchell)
(Coauthor: Assembly Member Jones-Sawyer)

February 27, 2015

An act to ~~add Article 7 (commencing with Section 2696) to Chapter 4 of Title 1 of Part 3 of, and to repeal and add Section 2933.6 of, repeal and add Section 2933.6 of~~ the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 759, as amended, Anderson. Prisoners: Secured Housing Units.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes Security Housing Units for segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association.

~~The bill would require the department, commencing July 1, 2016, to collect specified data regarding inmates subject to a term in a Security Housing Unit. The bill would require the Inspector General, commencing January 1, 2018, and biennially thereafter, to use the data to prepare reports for the Legislature on specified criteria pertaining to inmates in a Security Housing Unit and a Psychiatric Services Unit.~~

~~Existing association.~~ Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every

6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, for certain inmates, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill would repeal those provisions *regarding ineligibility to earn credits* and instead require the ~~department~~ *department, no later than July 1, 2017*, to establish regulations to allow specified inmates placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit to earn credits during the time he or she is in the Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or the Administrative Segregation Unit.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Article 7 (commencing with Section 2696) is~~
2 ~~added to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:~~
3
4 ~~Article 7. Security Housing Unit Reports~~
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6 ~~2696. (a) Commencing July 1, 2016, the department shall~~
7 ~~collect the following data:~~
8 ~~(1) Information relating to each offender who is going through,~~
9 ~~or has gone through, the validation process for determining a~~
10 ~~security threat group affiliate, including the following:~~
11 ~~(A) The offender's gender, age, mental health status, and race.~~
12 ~~(B) The outcome at every step of the validation process.~~
13 ~~(C) If the offender was validated, the date of validation.~~
14 ~~(D) If the offender was validated, the level of validation that~~
15 ~~the offender was assigned, and the name of the security threat~~
16 ~~group with which the offender was identified.~~
17 ~~(2) Information relating to all offenders being housed in the~~
18 ~~Security Housing Unit or Psychiatric Services Unit, including the~~
19 ~~following:~~

1 ~~(A) The offender's gender, age, mental health status, and race.~~

2 ~~(B) The date the offender was placed in the Security Housing~~
3 ~~Unit or Psychiatric Services Unit and the date of release.~~

4 ~~(C) The reason the offender is serving a Security Housing Unit~~
5 ~~term.~~

6 ~~(D) If the offender is serving an indeterminate Security Housing~~
7 ~~Unit term, the progress the offender has made in the Step Down~~
8 ~~Program, as defined in Section 3378.3 of Title 15 of the California~~
9 ~~Code of Regulations.~~

10 ~~(E) For offenders in the Step Down Program, the time spent in~~
11 ~~each step of the program.~~

12 ~~(F) The number of visits from persons other than staff that the~~
13 ~~offender was provided while serving a term in the Security Housing~~
14 ~~Unit or Psychiatric Services Unit.~~

15 ~~(G) The number of phone calls the offender was provided while~~
16 ~~serving a term in the Security Housing Unit.~~

17 ~~(H) Whether the offender attempted to commit or committed~~
18 ~~suicide.~~

19 ~~(I) Any disciplinary action taken against the offender, and the~~
20 ~~result of that action.~~

21 ~~(J) Whether the offender was paroled directly out of the Security~~
22 ~~Housing Unit or the Psychiatric Services Unit into the community.~~

23 ~~(3) The number of administrative appeals filed by offenders in~~
24 ~~the Security Housing Unit or Psychiatric Services Unit, the subject~~
25 ~~matter of the appeals, and the outcome of the appeals.~~

26 ~~(b) Commencing January 1, 2018, and biennially thereafter, the~~
27 ~~Office of the Inspector General shall use the data described in~~
28 ~~subdivision (a) to prepare a report to the Legislature that includes,~~
29 ~~but is not limited to, the following information:~~

30 ~~(1) The number of offenders investigated for security threat~~
31 ~~group validation.~~

32 ~~(2) The number of cases in which the Office of Correctional~~
33 ~~Safety recommended against validation and the outcome of those~~
34 ~~cases.~~

35 ~~(3) The number of cases in which the security threat group~~
36 ~~committee decided not to validate the offender.~~

37 ~~(4) The number of offenders who were not initially placed in~~
38 ~~the Security Housing Unit or Psychiatric Services Unit but were~~
39 ~~sent to the Security Housing Unit or Psychiatric Services Unit~~
40 ~~within six months of validation.~~

1 ~~(5) The number of offenders placed for an indeterminate~~
2 ~~Security Housing Unit term or in the Psychiatric Services Unit.~~

3 ~~(6) The number of offenders placed for a determinate Security~~
4 ~~Housing Unit term or in the Psychiatric Services Unit.~~

5 ~~(7) The average length of time offenders serving an~~
6 ~~indeterminate Security Housing Unit term spent in the Security~~
7 ~~Housing Unit or the Psychiatric Services Unit, or both.~~

8 ~~(8) The number of suicide attempts made by offenders in the~~
9 ~~Security Housing Unit and the Psychiatric Services Unit.~~

10 ~~(9) The number of suicides by offenders in the Security Housing~~
11 ~~Unit and the Psychiatric Services Unit.~~

12 ~~(10) The number of offenders in the Security Housing Unit and~~
13 ~~the Psychiatric Services Unit who were paroled directly out of the~~
14 ~~Security Housing Unit and the Psychiatric Services Unit into the~~
15 ~~community.~~

16 ~~(11) The number of disciplinary actions taken against offenders~~
17 ~~in the Security Housing Unit and the Psychiatric Services Unit,~~
18 ~~the type of actions, and the outcomes of the disciplinary actions.~~

19 ~~(12) The number of visits by persons other than staff to offenders~~
20 ~~in the Security Housing Unit and the Psychiatric Services Unit.~~

21 ~~(13) The number of phone calls provided to offenders in the~~
22 ~~Security Housing Unit and the Psychiatric Services Unit.~~

23 ~~(14) The number of administrative appeals filed by offenders~~
24 ~~in the Security Housing Unit or the Psychiatric Services Unit, the~~
25 ~~subject matter of the appeals, and the outcomes of those appeals.~~

26 ~~(e) The report required by subdivision (b) shall be submitted in~~
27 ~~compliance with Section 9795 of the Government Code.~~

28 ~~SEC. 2.~~

29 ~~SECTION 1.~~ Section 2933.6 of the Penal Code is repealed.

30 ~~SEC. 3.~~

31 ~~SEC. 2.~~ Section 2933.6 is added to the Penal Code, to read:

32 2933.6. (a) The Department of Corrections and Rehabilitation
33 ~~shall shall, no later than July 1, 2017,~~ establish regulations to
34 allow specified inmates placed in a Security Housing Unit,
35 Psychiatric Services Unit, Behavioral Management Unit, or an
36 Administrative Segregation Unit to earn credits pursuant to Section
37 2933 or 2933.05, or credits as otherwise specified in regulation,
38 during the time he or she is in the Security Housing Unit,
39 Psychiatric Services Unit, Behavioral Management Unit, or the
40 Administrative Segregation Unit. The regulations may establish

1 separate classifications of serious disciplinary infractions to
2 determine the rate of restoration of credits, the time period required
3 before forfeited credits or a portion thereof may be restored, and
4 the percentage of forfeited credits that may be restored for those
5 time periods, not to exceed those percentages authorized for general
6 population inmates. The regulations shall provide for credit earning
7 for inmates who successfully complete specific program
8 performance objectives.

9 ~~(b) No credits shall be awarded to those inmates pursuant to~~
10 ~~this section until the department has adopted regulations pursuant~~
11 ~~to subdivision (a).~~

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